

REMARKS

This amendment is in response to the Office Action of January 26, 2007 in which claims 1-12, 14, 15 and 17-25 were rejected and claims 13 and 16 objected to.

Regarding the title, a new title has been substituted which is clearly indicative of the invention to which the claims are directed. Withdrawal of the objection is requested.

Regarding the objection to claims 18-20, the multiple dependency was removed in the Preliminary Amendment A filed September 29, 2003. Withdrawal of the objection to claims 18-20 is requested.

Regarding the statutory subject matter rejection of claims 24-25, these were also amended in the Preliminary Amendment and cover a computer program stored on a computer readable medium. Withdrawal of the statutory subject matter rejection of claims 24 and 25 is requested.

Claims 1-4, 7-12, 14-15 and 17-25 are rejected under 35 U.S.C. § 103(a) as being unpatentably obvious over *Sugirtharaj* (WO 01/30090 A2) in view of *English* (U.S. Publication No. 2003/0002460 A1).

The prior art cited by the Examiner has to do with the mobile station requesting retransmissions due to erroneously received packets. Moreover, the request has to do with erroneously received packets received from a base station and the request for retransmission is back to the base station, not to a server. The present invention, in contrast, involves the mobile station requesting the streaming server to send streaming media which the mobile client device *is not able to receive due to a cell reselection*.

Paragraph [0071] of the *English* reference does not request a streaming server to send streaming media which the mobile client device is not able to receive due to a cell reselection. In the *English* reference, each base station in the active set maintains an independent data queue which contains the data to be transmitted to the mobile station. The selected base station transmits data existing in its data queue in a sequential order, except for retransmissions of data units received in error and signalling messages. The transmitted data units are deleted from the queue after transmission.

This is quite different from requesting the streaming server to send streaming media which the mobile client device is not able to receive due to a cell reselection. To em-

phasize the situation better, the applicant has amended the claims to make it clear that the mobile client device detects a cell reselection event and, in response to that detected cell reselection event, requests the streaming server with *an application level request* to send streaming media which the mobile client device is not able to receive due to the cell reselection.

The fact that the request is made to the streaming server is emphasized by the fact that the request is an application level request. Similarly, the request made by the mobile client device is in response to a detected cell reselection event, not an error event as shown in the references.

Withdrawal of the obviousness rejection of claims 1-4, 7-12, 14-15 and 17-25 is requested.

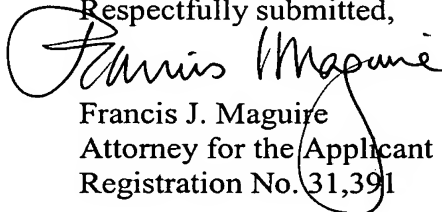
Regarding the obviousness rejection of claims 5 and 6, these depend from claim 4 which in turn depends from claim 1 which has been shown to be patentable over the *Sugritharaj* and *English* references and claims 5 and 6 are at least patentable for the same reasons as given above. Withdrawal of the obviousness rejection of claims 5 and 6 is requested.

The indication of allowable subject matter in claims 13 and 15 is noted with appreciation but it is believed that the Examiner will now be persuaded by the amendment and the foregoing remarks that the claims, as amended, are now more readily allowable.

The independent claims 21-25 have been amended in a similar fashion and some new dependent claims 26-35 have been added.

The objections and rejections of the Office Action of January 26, 2007, having been obviated by amendment or shown to be inapplicable, withdrawal thereof is requested and passage of claims 1-33 to issue is solicited.

Respectfully submitted,


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